IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4570 OF 2005.
IN
FIRST APPEAL NO. 1328 OF 2006.

The State of Maharashtra. ... Applicant.
Versus.
Suman Kaluram Shivekar ... Respondent.

Shri K.K.Tated for the Applicant.

CORAM : ABHAY S.OKA, J.

DATED : 15th June, 2006.

P.C.:

1. Heard the learned A.G.P. for the Applicant.

2. Challenge in the appeal preferred by the Applicant is to the Judgment and Award made under section 18 of the Land Acquisition Act, 1894. The enhancement granted in this case is of a small amount which is less than Rs.20,000/-. The Award of the Land Acquisition Officer was made in the year 1988 and the Reference Application was filed in the year 1988. Reference Application was decided on 27th August 2004. Considering the peculiar facts of this appeal, where the amount of enhancement granted is very small, the Claimant will have to be permitted to withdraw the amount on furnishing an undertaking to the Reference

Court to redeposit the amount with appropriate rate of interest in case the Applicant succeeds in the Appeal.

3. Hence the Application is disposed of by the following order:

i) The Application is allowed in terms of prayer clause (b) subject to condition that the Applicant shall deposit the entire amount due and payable under the impugned Judgment and Award with the Reference Court. The Reference Court will permit the Claimant to withdraw the amount on submitting an undertaking in writing to bring back the entire amount with appropriate rate of interest in case the Applicant succeeds in the Appeal.

ii) If the Applicant fails to deposit the amount, the interim relief will stand vacated and the Civil Application will stand dismissed without further reference to the Court.

iii) Civil Application disposed of in the above terms.

Judge.